

08/03/2006 THU 12:44 FAX

RECEIVED
CENTRAL FAX CENTER

002/006

AUG 3 - 2006

26

Docket No. END0786USCIP1

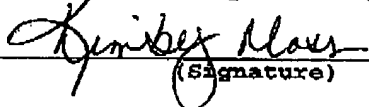
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jesse J. Kuhns et al Customer No.: 000027777
Serial No. : 10/015,631 Art Unit: 3731
Filed : December 10, 2001 Examiner: T.V. Nguyen
For : Surgical Instrument Having a Fastener Delivery
Mechanism

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on August 3, 2006. USPTO facsimile telephone number 877-273-8300

Kimberly M. Moses

Name of person signing the Certificate



August 3, 2006

(Signature)

(Date of Signature)

08/03/2006 BABRAHAI 00000006 100750 10015631

01 FC:1006

100.00 DA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on May 13, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached);
or
- ☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth in
§1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached);
or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END0786USCIP1/DLG.

Respectfully submitted,

____/Dean L. Garner/____
Dean L. Garner
Reg. No. 35,877
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-8559
DATED: August 3, 2006

08/03/2006 THU 12:43 FAX

RECEIVED
CENTRAL FAX CENTER

AUG 3 - 2006

001/006

Johnson & Johnson

F A C S I M I L E

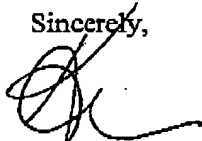
TO:	Commissioner for Patents	DATE:	August 3, 2006
FAX:	(571) 273-8300	Re:	END0786USCIP1
FROM:	Dean L. Garner	No. of PAGES:	Including Cover Page : 6
If There Is Any Problem With This Fax, Please Contact: Kimberly Moses at 513-337-7019			

I am transmitting the following documents:

<input checked="" type="checkbox"/>	This cover Sheet	1	page(s)
<input type="checkbox"/>	Notice to File Missing Parts		page(s)
<input type="checkbox"/>	Declaration and POA		page(s)
<input type="checkbox"/>	Assignment with Cover Sheet		page(s)
<input type="checkbox"/>	Petition for Revival Unintentionally		page(s)
<input type="checkbox"/>	Extension of Time		page(s)
<input checked="" type="checkbox"/>	SECOND - Supplemental IDS/1449	5	page(s)
<input type="checkbox"/>	Notice of Non-Compliant		page(s)
<input type="checkbox"/>	Notice of Appeal		page(s)
<input type="checkbox"/>	Assignment with Cover Sheet		page(s)
<input type="checkbox"/>	Translations to cited references		page(s)

Thank you for your help. Please contact me if you have problems with the transmission.

Sincerely,



Kimberly M. Moses
Executive Legal Assistant
Dean L. Garner and Gerry S. Gressel
Johnson & Johnson Law Department
Email: kmoses@eesus.jnj.com
513-337-7019 Tel
513-337-4030 Fax

CONFIDENTIALITY NOTICE

This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message solely to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return to us at the above address via the U.S. postal service.

RECEIVED
CENTRAL FAX CENTER

AUG 3 - 2006

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 1	Application Number	10/015,631
	Filing Date	December 10, 2001
	First Named Inventor	Jesse J. Kuhns et al
	Group Art Unit	3731
	Examiner Name	T.V. Nguyen
	Attorney Docket Number	END0786USCIP1

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		12002/0068947	A1	J.J. Kuhns et al	06-06-2002	
		2002/0087170	A1	J.J. Kuhns et al	07-04-2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁴
		Office ³	Number ⁴	KindCode ⁵				

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450